

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
vs.) Case No. 21-CR-00101-01-SRB
)
)
KENDRA KINGSBURY,)
)
)
Defendant.)

**MOTION FOR CONTINUANCE
WITH SUGGESTIONS**

COMES NOW the defendant, Kendra Kingsbury, by and through her counsel, Marc Ermine, Assistant Federal Public Defender for the Western District of Missouri, in accordance with Rule 47, Fed. R. Crim. P., and Rule 7.1 (b) and (c) of the Local Rules of Procedure for the United States District Court for the Western District of Missouri, and moves this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence March 21, 2022, and to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on November 7, 2022. The defense further requests that a status conference be set for late April to further discuss scheduling deadlines.

SUGGESTIONS IN SUPPORT

1. On May 18, 2021, an Indictment was filed in the Western District of Missouri charging defendant with willful retention of national defense information in violation of 18 U.S.C. § 793(e).

2. On June 1, 2021, Ms. Kingsbury made her initial appearance and arraignment before the Honorable W. Brian Gaddy. The office of the Federal Public Defender was appointed on May 23, 2021. She remains on release subject to the conditions of release previously set by the magistrate judge in the U.S. District Court of Kansas.

3. A continuance is necessary to enable the defense adequate time to review the discovery and to discuss the case with Ms. Kingsbury. The defense is unable to complete the discovery review currently due to the pendency of security clearances, a process that is out of the parties' hands.

4. Although the parties are working to accomplish what they can regarding the discovery review process, the parties are not yet able to provide specific scheduling suggestions to the Court. Therefore, the parties are requesting that a status conference be scheduled in late April so that more particular scheduling issues can be addressed.

5. Patrick Edwards and David Raskin, Assistant United States Attorneys, have no objection to this continuance request. Ms. Kingsbury has been consulted and has no objection to this continuance request.

6. This continuance is sought not for purpose of dilatory delay, but is sought in truth and fact that the defendant may be afforded due process of law under the Fifth Amendment to the United States Constitution. In accordance with 18 U.S.C. §3161(h)(7)(A) and (B)(iv), it is submitted that the above-stated reasons for a continuance outweigh the best interests of the public and the defendant to a speedy

trial, which is required by 18 U.S.C. §3161(c)(1).

7. Under the provisions of 18 U.S.C. §3161(h)(7)(A) the period of time until the next criminal trial docket should be excluded in computing the period of time in which the defendant should be brought to trial under the provisions of the Speedy Trial Act.

WHEREFORE, the defendant, Kendra Kingsbury, respectfully requests this Court, pursuant to 18 U.S.C. §3161(h)(7)(A) and (B), to remove this case from the Accelerated Joint Criminal Trial Docket scheduled to commence March 21, 2022, and to continue this case until the Accelerated Joint Criminal Trial Docket scheduled to commence on November 7, 2022. The defense further requests that a status conference be set for late April to further discuss scheduling deadlines.

Respectfully submitted,

/s/ Marc Ermine
Marc Ermine
Assistant Federal Public Defender
1000 Walnut, Suite 600
Kansas City, MO 64106
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CERTIFICATE OF SERVICE

In accordance with Rule 49(a), (b) and (d), Fed. R. Crim. P., and Rule 5(b), Fed. R. Civ. P., it is hereby CERTIFIED that on February 22, 2022, the foregoing motion was electronically filed and delivered to Patrick Edwards and David Raskin, Asst. U.S. Attorneys, 400 E. 9th, Kansas City, MO 64106.

/s/ Marc Ermine
Marc Ermine